

AMB

Journal - Office of Legislative Counsel
Wednesday - 14 June 1978

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STAT 29. (Unclassified - RLB) LEGISLATION Sent to Ms. Tracey Cole, OMB, a cover letter [] to James Frey concerning our proposed Administration positions on the following provisions in S. 3076 and H.R. 12598: the "Role of the Ambassador legislation," amendments to the Case/Zablocki Act and the "Science and Technology Amendment."

30. (Unclassified - RLB) LEGISLATION Spoke with Mr. William Miller, Staff Director, Senate Select Committee on Intelligence, concerning provisions in the Department of State Authorization legislation relating to the "Role of the Ambassador legislation" and the Case/Zablocki Act. We discussed these provisions generally, and Mr. Miller indicated in his view the proposed change to the Role of the Ambassador legislation would not, so long as the prefatory provision "under the direction of the President" remained intact, alter the existing situation and should not present additional problems for the Agency. Mr. Miller said he would be happy to support us in obtaining whatever legislative history, including a floor colloquy, we would like reflecting this position. I told him I would keep him informed of these matters.

31. (Unclassified - RJW) LEGISLATION Received a call from Tracey Cole, OMB. Ms. Cole was calling with regard to H. R. 11240, the "Intelligence and Intelligence Related Program Authorization Act FY 79," to inform me that Secretary of State Vance on his own initiative was sending a letter to Admiral Turner and Justice Department on the subject of opposition to Title IV of H. R. 12240. She also indicated that a draft copy had gone to Senator Bayh (D., Ind.). OMB asked us to look over the Vance letter but indicated that it is OMB's intention to circulate the DCI's letter on the same subject.

32. (unclassified - RJW) LEGISLATION Called Larry Simms, Justice Department. I told Mr. Simms that I had just received a call from Tracey Cole, OMB, regarding the "Vance" letter (see Journal Item above). I informed Mr. Simms that our letter has been prepared and signed-off by Mr. Miller. Depending on determination of one final item under discussion, the letter would be sent to OMB today for circulation to Justice and State. I told Mr. Simms that I would notify him after the letter had been sent to OMB so as to expedite his receipt of it from OMB.

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STAT 33. (Unclassified - RJW) LEGISLATION Called Mike O'Neil, Chief Counsel, House Permanent Select Committee on Intelligence, to inform him of our latest concerns with regard to H. R. 12171, the "Federal Accounting and Auditing Act of 1978." I indicated to Mr. O'Neil that CIA was in the process of trying to decide whether or not to send a witness to testify on 20 June before the House Government Operations Subcommittee on Legislation and National Security. Part of our deliberations included the question of whether the HPSCI could get jurisdiction over the bill; if that were possible we would be able to make our case before the HPSCI. Mr. O'Neil was of the opinion that HPSCI could only get sequential referral of the bill and this only after the full Committee on Government Operations had finished with it. He suggested CIA make its case, albeit unclassified case, before the Subcommittee on Legislation and National Security of the House Committee on Government Operations. He further suggested that [] be sent to testify, viz., someone outside of the CIA itself.

34. (Unclassified - RJW) LEGISLATION Received a call from George Gilbert, OMB, who was returning my earlier call. I informed him I was interested in finding out the status of our views letter on S. 2787, the "Contract Disputes Act of 1978." Mr. Gilbert said that OMB does not "clear" views letters from Executive Branch agencies addressed to OMB. Such letters are considered intra-Executive Branch communications used for development of Administration positions; OMB only "clears" reports or draft legislation received from Executive Branch agencies to the Congress. With regard to S. 2787, Mr. Gilbert indicated OMB is allowing agencies on their own to get their views to the Senate Governmental Affairs Committee. He said he would get approval from Bernie Martin, also at OMB, for us to forward our views to the Committee. I also informed Mr. Gilbert that we are concerned with H. R. 11002, also entitled the "Contract Disputes Act of 1978," which is now pending before the full House Judiciary Committee. I said we would also like to send a similar views letter to the Judiciary Committee on this bill. Although H. R. 11002 and S. 2787 are not companion bills, they are substantively similar. Mr. Gilbert promised to get back to me.

35. (Unclassified - RLB) LEGISLATION Spoke with Ms. Paula Villani, Staff Assistant to Representative Silvio Conte (R., Mass.). She said a constituent had requested information concerning, among other things, the KGB, diplomatic immunity, and espionage laws. I told Ms. Villani these matters might all be interrelated and were very complicated and that, in light of the responsibilities of the Departments of State and Justice in these areas, she might want to check with those Departments.

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1. (Internal Use Only - PLC) LIAISON I called Hilda Schreiber, Retirement Specialist at OMB, and inquired as to the background of the current OMB proposal to compute retirement annuities for Federal retirement programs on the basis of average over all career salary rather than a "high three" which was now being circulated. Schreiber said this was a very low level informal proposal at this time and OMB budget people are querying agencies to estimate the cost involved in pulling together statistical data needed for the study. The proposal was to be sent only to the Civil Service and Department of Defense but somehow was sent to State. She advised that we stay out of this matter at this time since it will be quite awhile before the proposal is given serious consideration if at all. I mentioned that Bob Hull, of the Department of State, had called me yesterday and expressed concern to the proposal. Schreiber said she would call him and explain the background.

2. (Unclassified - ME) FOIA/LIAISON I called Mr. Rod Rahe, in the office of Congressman Stewart McKinney (R., Conn.), about the Congressman's letter to us on behalf of Mr. Brian Murphy of Fairfield, Connecticut. Mr. Murphy had completed a "Privacy Act" request form but was seeking information on another individual. I explained to Mr. Rahe that we could not treat this under the Privacy Act as it would constitute an invasion of privacy of the individual involved, unless written permission was received by the Agency to release such information. Mr. Rahe said he wasn't familiar with the procedures and would I send him a note explaining that this was not allowed under the Privacy Act and cite the applicable section therein. I further explained that the request did not specify CIA as the agency involved in the incident described and perhaps it was not intended for us. He agreed that he did not have enough information to determine where he should seek the information and believed the Privacy Act restrictions would be applied by other Federal agencies.

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